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10/706,451

11/12/2003

David Howell

124.1032

7996

22846

7590

07/25/2005

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EXAMINER

NGUYEN, JIMMY H

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/706,451

**Applicant(s)**

HOWELL, DAVID

**Examiner**

Jimmy H. Nguyen

**Art Unit**

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 15-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This Office Action is made in response to applicant's papers filed on 11/12/2003. Claims 1-23 are currently pending in the application. An action follows below:

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features, "a set of analysis tools", "overlaying of grids", and "sync/blanking/active video patterns", all recited in claim 22, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

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3. Claims 1, 3, 13, 16, 18, 20, and 23 is objected to under 37 CFR 1.75(a) because although this claim meets the requirement 112/2d, i.e., the metes and bounds are determinable, however, the following changes should be made:

Regarding to claim 1, "arranged in connection with said chassis" in lines 3, 6 and 8, source" should be changed to -- housed in said chassis --, so as to be consistent with the disclosure (see figure 3).

Regarding to claims 3, 13, 16, 18, 20, and 23, "cathode ray tube (analog) and flat panel (digital) displays" in lines 2-3 of claims 3, 13, 16, 18, and 20, and in lines 3-4 of claim 23 should be changed to -- analog cathode ray tube and digital flat panel displays --, so as to clarify the claimed invention. Additionally to claim 20, "TTL" should be spelled out in order to render definitely the limitation, "TTL level inputs".

It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what the applicant means "sync/blanking/active video patterns", i.e., "sync video pattern, blanking video pattern, and active video pattern", "sync video patterns, blanking video patterns, and active video patterns", "sync video patterns, blanking video

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patterns, or active video patterns”, or “each of video patterns including sync pattern, blanking pattern, and active pattern”.

6. It is noted to applicant that due to the rejection under 35 USC 112, second paragraph above, the following rejection to claim 22 is broadly considered and based as best understood, by the examiner, i.e., “sync video patterns, blanking video patterns, or active video patterns”.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-14 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Howell et al. (US 6,396,536 B1), hereinafter Howell.

As per claims above, Howell discloses a portable equipment (see fig. 1) and an associate method for testing video devices (see column 1, lines 41-43), the portable equipment comprising a housing of video asset 10 (corresponding to the claimed portable chassis, see fig. 1); a combination of elements 16, 18, 20, 22, 26 and three sets of output channels (3, 3, and 5) (see fig. 1) corresponding to the claimed programmable video generator and analyzer and including three sets of output channels (3, 3, 5) corresponding to the claimed signal/conditioner/switching device); a serial data interface (24) corresponding to the claimed command module; and a host computer (12) corresponding to the claimed portable computer and including a screen for displaying the test image (column 1, lines 16-19). Howell further teaches the programmable video generator and analyzer comprising generating means which includes a primary raster video

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generator (16), a secondary raster video generator and timer module (18), a stroke generator (20), and a distributed time base (26) (all shown in fig. 1) and a voltage sense module (a module including the sense ADC's and control DAC's, see col. 4, line 42 through column 5, line 3), and a video capture module (a real time capture 22, see fig. 1). Howell further teaches the computer being programmed with a redisplay tool (see col. 13, line 57 through col. 16, line 12). Further see figs. 1, 10, 12 and 13, abstract, column 4, lines 1-9, column 5, lines 14-59, column 10, line 64 through column 11, line 2, and column 13, line 13 through column 15, line 20. Accordingly, the elements and the steps of these claims are read in the reference.

#### ***Allowable Subject Matter***

9. Claims 15-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcome the claim objections above.

10. The following is a statement of reasons for the indication of allowable subject matter: the claimed invention is directed to a portable analyzer for testing video devices. Claim 15 identifies the uniquely distinct feature, "said signal conditioner/switching device includes a digital multi-meter emulator, a counter/timer emulator, a digitizer/oscilloscope emulator and a pulse generator buffer". The closest prior art, Howell as discussed above, either singularly or in combination with other cited prior arts, fails to anticipate or render the above underlined limitations obvious.

#### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Steinberg et al (US 5,874,991, see fig. 1 and abstract) and Harrison et al (US

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5,440,339, see fig. 1 and abstract) both disclose related the portable apparatus for creating video test patterns and delivering the video test patterns to a unit under test.

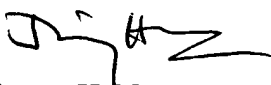
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is 571-272-7675.

The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHN  
July 21, 2005

  
Jimmy H. Nguyen  
Primary Examiner  
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